

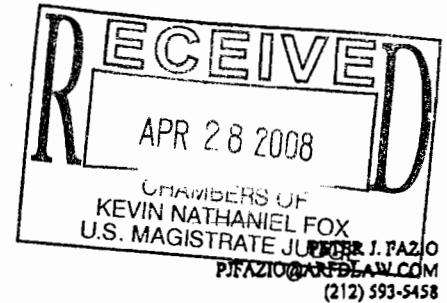
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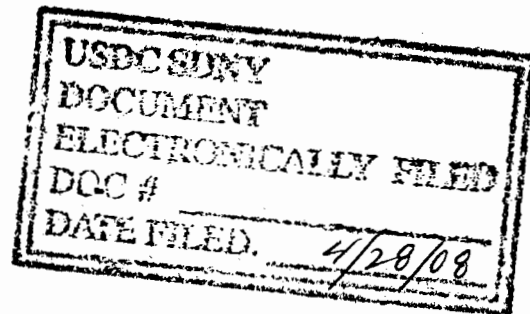
MEMO ENCLOSED

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April 28, 2008

VIA FACSIMILE (212) 805-6712

United States District Court
500 Pearl Street
New York, New York 10007-1312
Attention: Honorable Kevin N. Fox

RE: DB STRUCTURED PRODUCTS, INC. V. FIRST CAPITAL MORTGAGE CORP.
Civil Action No: 07 CV 4115 (DLC) (KNF)
Our File No.: 8000.037

Dear Judge Fox:

As you are aware, our office represents First Capital Mortgage Corp. in the above referenced litigation.

As per our conversation with your clerk, please be advised that the parties have reached a settlement in the above referenced litigation. I have reviewed the final version of the settlement agreement with a principle of First Capital, CEO Michael Goldhirsh and he will be presenting the agreement, along with his recommendation that the agreement be signed, to the other members of the board. He anticipates the agreement will be signed by tomorrow with first payment being made on Wednesday April 30, 2008.

Lastly, I would like to take this opportunity, on behalf of all parties, to express our appreciation to the Court for helping to assist us in reaching a settlement of this matter.

4/28/08
Based on the instant letter,
the settlement conference scheduled
for April 28, 2008, is cancelled.
SO ORDERED:
Kevin Nathaniel Fox
KEVIN NATHANIEL FOX, U.S.M.J.

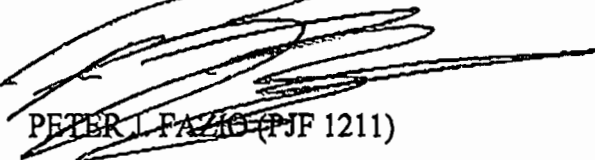
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United States District Court Southern District of New York
The Honorable Kevin N. Fox
April 28, 2008
RE: DB Structured Products, Inc. v. First Capital Mortgage Corporation

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

AARONSON RAPPAPORT FEINSTEIN & DEUTSCH, LLP



PETER J. FAZIO (PJF 1211)

PJF:mk

VIA EMAIL

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